

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 20613 )  
of Saralegui Land and Livestock )  
Company to Appropriate from Long )  
Valley Creek in Lassen County )

Decision D 1167  
ADOPTED FEB 17 1964

DECISION DENYING APPLICATION

Saralegui Land and Livestock Company having filed Application 20613 for a permit to appropriate unappropriated water; protests having been received; a hearing having been held by the State Water Rights Board on August 6, 1963, in Susanville, California, before Board Member Ralph J. McGill; the applicant and protestants having appeared; evidence having been received; the Board, having considered all the evidence and now being fully advised in the premises, finds as follows:

1. Application 20613 is for a permit to appropriate three cubic feet per second (cfs) by direct diversion from April 1 to September 30 of each year for irrigation use from Long Valley Creek (hereinafter sometimes referred to as the Creek), tributary to Honey Lake, in Lassen County. The point of diversion is to be located within the  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 10, T23N, R17E, MDB&M.

2. Long Valley Creek rises on the eastern slopes of the Sierra Nevada and meanders in a general northerly direction to Honey Lake. Seven miles northerly and downstream from the

applicant's point of diversion the Creek crosses under Highway 395 at a point where the California Department of Water Resources maintains a water stage recorder (Staff 2). This recorder is located at the southern (upper) end of Honey Lake Valley, immediately upstream from the lands irrigated by the protestants.

3. Near the applicant's point of diversion hot springs come to the surface along the west bank of the natural channel of Long Valley Creek (RT 37, 38). During the summer low-flow period these springs are the only source of water available to the applicant in this reach of the Creek, as the flow from upstream portions of the Creek completely percolates into the channel bed some distance upstream (RT 43). There is another spring located six miles downstream from the hot springs and about one-half mile south (upstream) of the Department's recorder. This spring is referred to as Samboni Spring, and it contributes to the flow of the Creek (RT 44). The record indicates that the hot springs and Samboni Spring are the only sources of the summer flow in Long Valley Creek in the reach immediately above the protestants.

4. Applicant's project provides for pumping from a sump located near the hot springs to the irrigated area which is adjacent to Long Valley Creek and consists of 124 acres to be planted to alfalfa and pasture grasses. Applicant irrigated this same area from the same source about 30 years ago pursuant to claim of a riparian right which it still claims.

5. Protestants are ranchers who for years have irrigated from Long Valley Creek pursuant to claimed riparian rights which

have been extensively litigated. During the months of heavy runoff the Creek has ample supply to meet all current irrigation requirements and frequently floods portions of the protestants' lands. However, the Creek does not have sufficient flow during the summer season to fully irrigate all lands of the protestants which receive water from the Creek during the spring.

6. It is the position of the applicant that the summer flow of the hot springs does not reach the protestants and therefore is to be considered as unappropriated water (RT 46). However, there are several indications to the contrary. In the first place, protestant Galeppi testified that when the applicant pumped for the irrigation of the 40 acres planted this year, he could notice the effect on the water flowing through his ditch (RT 101 and 110). Secondly, various stream flow measurements and estimates made on August 10, 1962, indicate that the hot springs contribute to the protestants' Long Valley Creek summer supply. On that date the flow passing the gage above the protestant Galeppi's point of diversion was 3.4 cfs (Staff 2), and the contribution from Samboni Spring was estimated by an engineer of the Board's staff to be about 0.5 cfs (Staff 1). Since the flow of Long Valley Creek above the applicant's point of diversion on the same date was only about 0.2 cfs (Staff 1), the major portion of the flow passing the gage and available to the protestants must have been derived from the hot springs near the applicant's point of diversion. The witness for the applicant testified that the hot springs maintained the same rate of flow throughout the year (RT 72). It is reasonable

to assume that the contribution of the hot springs to the flow of Long Valley Creek on August 10, 1962, is typical of its contribution to such flows during the annual low-flow season.

7. Unappropriated water required for the approval of Application 20613 is not available during the critical part of the requested irrigation season, and subject application should be denied.

8. This decision is in no way intended to imply that applicant may not have a valid riparian right to the use of water from the named source on the proposed place of use, nor is this decision intended in any way to impair any such right.

ORDER

IT IS HEREBY ORDERED that Application 20613 be, and it is, denied.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at California, this            day of            , 1964.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member